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7 Attorney for Plaintiffs

8  
9  
10 UNITED STATES DISTRICT COURT  
11  
12 FOR THE DISTRICT OF ALASKA

13 Diane L. Long and Balingo Lake )  
14 Individually, and as Parents of )  
15 their minor child, J.L., )  
16 )  
17 Plaintiffs, )  
18 )  
19 vs. ) Case no.  
20 United States of America; ) 3:16-cv-00089-JWS  
21 LifeMed Alaska, LLC; )  
22 University of Washington/ )  
23 University of Washington )  
24 Foundation, DBA Airlift Northwest, )  
25 )  
Defendants. )

19 **First Amended Complaint**

20 COME NOW plaintiffs and allege as follows:

21  
22 **Jurisdiction**

23 1. Plaintiffs are Alaskan Natives and residents of  
24 Anchorage, Alaska, in the District of Alaska.

1       2. Plaintiffs Diana Long [hereinafter "Long"] and  
2       Balingo Lake [hereinafter "Lake"] are adults and the natural  
3       parents of plaintiff J.L., a minor child.

4       3. The Hooper Bay Subregional Clinic [hereinafter  
5       "the Clinic"] is a health-care facility owned and operated  
6       by the Yukon-Kuskokwim Health Corporation ["YKHC"], a tribal  
7       organization whose medical malpractice is covered by the  
8       *Federal Tort Claims Act*, 28 USC §§ 1346, 2401, and 2671 et  
9       seq.

10      4. Steven Bertrand was at all times pertinent a  
11       physician's assistant acting within the scope of his  
12       employment at the Clinic.

13      5. More than six months ago, the claim giving rise to  
14       this suit was presented to the appropriate federal agency  
15       within the meaning of 28 USC § 2675(a).

16      6. Said agency has denied the claim, either by  
17       expressly rejecting it outright, or by failing to make a  
18       final disposition of it within six months, as contemplated  
19       by 28 USC § 2675(a).

20      7. Defendant LifeMed Alaska, LLC [hereinafter  
21       "LifeMed"] is a limited liability company organized and  
22       existing under the laws of the State of Alaska, and at least  
23       50% owned by YKHC.

1       8. LifeMed owns and operates an air- and ground-  
2 ambulance service that transports patients throughout  
3 Alaska.

4       9. At all times relevant hereto, Brian Anderson, RN,  
5  
6 and Steven Heyano, MICP EMT-P, and other employees, were  
7 either employed by LifeMed, and acting within the scope of  
8 that employment, or were agents of LifeMed, and acting within  
9 the scope of that agency.

10. At all times relevant hereto, defendant University  
of Washington/University of Washington Foundation  
[hereinafter "University"] was a public university in the  
State of Washington with its principal place of business in  
King County, Washington.

15       11. At all times relevant hereto, Airlift Northwest  
16 [hereinafter "Airlift"] was licensed to do business in the  
17 State of Alaska and was owned by the University.

19        12. Airlift provides air medical transport services to  
patients throughout Alaska and the Pacific Northwest.

21           13. This court has jurisdiction over the claims  
22 asserted herein.

## **General Allegations**

25 14. On at least three occasions in March and April of  
2015, Long presented her four-month old infant daughter,

1 J.L., to the Clinic in Hooper Bay for medical care and  
2 treatment of what appeared to be a respiratory viral  
3 condition.

4       15. During these visits, J.L. was placed under the  
5 care and treatment of Steven Bertrand, a physician's  
6 assistant.

7       16. By the time of her visit on April 29, 2016, J.L.'s  
8 signs and symptoms had worsened and intensified: her heart  
9 rate was 180; respiratory rate was 52; her oxygen saturation  
10 was 99%; she had audible wheezing; a fever of 100.5; her  
11 appetite and fluid-intake had decreased, and; she had  
12 retractions in the upper-abdomen/stomach region while  
13 breathing.

15       17. Despite J.L.'s worsening signs and symptoms,  
16 Bertrand failed to properly and adequately diagnose, treat,  
17 and deal with J.L.'s worsening status.

18       18. For example, he did not administer simple tests  
19 for influenza or respiratory syncytial virus ["RSV"], a  
20 respiratory-tract infection that can be fatal in infants if  
21 not properly treated, or send her into the hospital for  
22 aggressive treatment.

24       19. On May 3, 2015, Long again presented J.L. to the  
25 Clinic -- this time after hours, and in critical condition.

1       20. At that point, J.L. was septic, profoundly  
2 dehydrated; febrile; had a very elevated pulse; an elevated  
3 respiratory rate; audible wheezing; low oxygen saturation;  
4 intercostal retractions; nasal flaring, and general  
5 nonresponsiveness.

6       21. In light of the gravity of J.L.'s condition,  
7 LifeMed was summoned to evacuate her by air to a more  
8 complete health-care facility, first in Bethel, and  
9 ultimately to the Alaska Native Medical Center ["ANMC"] in  
10 Anchorage.

12       22. Prior to the flight, Bertrand improperly placed an  
13 intraosseous line in J.L.'s left tibia.

14       23. He then failed to detect and ensure its improper  
15 placement.

16       24. Registered nurse Brian Anderson, together with  
17 Steven Heyano, MICP EMT-P, and others responded on LifeMed's  
18 behalf to provide medical care for J.L. while en route to  
19 Anchorage.

21       25. During the flight, Anderson and Heyano both  
22 visualized and noted clear signs of extravasation, such as  
23 intensifying and deepening redness in the left leg.

24       26. Nevertheless, they still administered powerful  
25 medicinal agents through the improperly placed needle and

1 line, resulting in extravasation -- a maloccurrence whereby  
2 fluids are injected into surrounding tissues, rather than  
3 into the target blood vessel itself.

4 27. Neither practitioner took reasonable and  
5 sufficient precautions to ensure the line's proper placement  
6 and patency.  
7

8 28. Nor did they inform ANMC receiving personnel in  
9 Anchorage about their in-flight observations of redness and  
10 concerns about extravasation.

11 29. The resulting extravasation caused swelling and  
12 ischemia [obstructed blood-flow], which in turn killed the  
13 tissues [necrosis] in J.L.'s left lower extremity. Although  
14 ANMC's doctors attempted to treat J.L.'s ischemic and  
15 necrotic lower left leg, their efforts failed; ultimately,  
16 the leg was amputated. Respiratory cultures taken at ANMC  
17 revealed that J.L. did have RSV and influenza, which had  
18 progressed to the point of causing respiratory failure,  
19 sepsis [blood-poisoning], and septic shock [sepsis  
20 accompanied by low blood-pressure].  
21

22 30. ANMC practitioners also determined that J.L. had  
23 a left pneumothorax [collapsed lung], which they treated.

24 31. The above-described sepsis, as well as other  
25 physiological responses to J.L.'s viral infection(s),

1       damaged   J.L.'s   heart,   likely   necessitating   ongoing  
2       treatments   throughout   her   lifetime,   including   ultimately   a  
3       heart   transplant.

4                 32.   On   May   6,   2016   J.L.   was   scheduled   for   transfer  
5       from   ANMC   to   Seattle   Children's.

6                 33.   The   transport   team   comprised   of   flight   nurses   from  
7       Airlift   arrived   at   ANMC   to   transport   J.L.   to   Seattle  
8       Children's.

9                 34.   The   flight   nurses   prepared   to   transport   J.L.   by  
10      placing   her   on   their   ventilator   and   their   monitors,   after  
11      which   J.L.   suffered   cardiac   arrest.

12                 35.   The   flight   nurses   from   Airlift   failed   to   properly  
13      monitor   J.L.'s   respiratory   status   when   changing   the  
14      ventilator,   thereby   causing   her   cardiac   arrest   and   metabolic  
15      acidosis.

16                 36.   The   acts,   errors,   and   omissions   alleged   herein  
17      have   proximately   caused   injury   and   damage   to   J.L.,   including,  
18      but   not   necessarily   limited   to:

- 21                 a.   Physical   pain   and   suffering,   past   and   future;
- 22                 b.   Severe   and   permanent   physical   impairment   and  
23       disfigurement;
- 24                 c.   Emotional   distress   and   psychological   injury,   past  
25       and   future;

1           d.     Inconvenience and loss of enjoyment of life, past  
2 and future;

3           e.     Medical- and treatment-related expenses, including  
4 life-care expenses, past and future;

5           f.     Other pecuniary losses, past and future,  
6 including, but not necessarily limited to, lost wages and  
7 earnings, lost earning capacity, lost subsistence capability  
8 and earnings, and; loss of career and business opportunities.  
9

10           **Cause of Action - Negligence/Recklessness**

11           **[On each plaintiffs' behalf  
against each defendant]**

12           37. Plaintiffs incorporate each of the allegations  
13 heretofore alleged.

14           38. Medical care providers at the Clinic, LifeMed, and  
15 Airlift failed to exercise that degree of skill, care, and  
16 knowledge ordinarily exercised and possessed under the  
17 circumstances by health care providers in their fields and  
18 specialties.

19           39. Said lapses and breaches of skill, care, and  
20 competence proximately caused the injuries and damages  
21 alleged herein.

22           40. Said lapses and breaches constitute recklessness  
23 within the contemplation of AS 09.55.549(f).

41. Defendants are liable to each of the plaintiffs for negligence, in an amount to be proved at trial.

WHEREFORE, plaintiffs pray for relief as follows:

1. For a judgment against defendants, and in plaintiffs' favor, compensating them for their injuries and damages, as alleged;

2. For an award of compensable costs, compensable attorney's fees, and any applicable interest.

3. For any other relief the court may deem just and proper.

DATED this \_\_\_\_ day of January, 2017, at Anchorage,  
Alaska.

LAW OFFICES OF DAVID HENDERSON  
Attorney for the Plaintiffs

s/David Henderson  
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